

Senate Bill 474

By: Senators Carter of the 13th, Thomas of the 54th, Moody of the 56th, Rogers of the 21st,  
Seay of the 34th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 elementary and secondary education, so as to establish school health advisory councils to  
3 serve as advisory bodies to local boards of education on health, physical education, and  
4 nutrition policy; to provide for a short title; to provide certain requirements for physical  
5 education instruction for students in kindergarten and grades one through eight; to encourage  
6 a wide range of supplemental health, physical activity, and nutrition programs that may be  
7 provided on school property beyond the confines of the traditional school day; to require  
8 local boards of education to adopt and implement a coordinated school health program; to  
9 provide for a state office to promote student health and physical fitness; to provide for related  
10 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as the "Student Health and Fitness Act."

14 **SECTION 2.**

15 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
16 secondary education, is amended in Article 4A, relating to community involvement in  
17 education, by adding a new Code section to the end of such article to read as follows:

18 "20-2-87.

19 (a) Each local board of education shall establish a local school health advisory council,  
20 consistent with the provisions of the federal Child Nutrition and WIC Reauthorization Act  
21 of 2004, P.L. 108-265, to serve as an advisory body on health, physical education, and  
22 nutrition policy issues to the local board of education. Each school health advisory council  
23 shall help plan, implement, and monitor the implementation of a health, physical education,  
24 and nutrition policy as part of the local school system's coordinated school health plan  
25 adopted pursuant to Code Section 20-2-324 and shall encourage a wide range of

1 supplemental health, physical activity, and nutrition programs that may be provided on  
2 school property beyond the confines of the traditional school day.

3 (b) The members of the school health advisory council shall be appointed by the local  
4 board of education and shall be composed of community and school members representing  
5 the eight components of a coordinated school health program as described in Code Section  
6 20-2-324, representatives from the local health department, and school administrators."

### 7 SECTION 3.

8 Said chapter is further amended in Code Section 20-2-142, relating to prescribed courses and  
9 the development and dissemination of instructional materials on the effects of alcohol, by  
10 striking subsection (c) and inserting in its place the following:

11 "(c) The State Board of Education shall establish standards for the professional learning  
12 or designation of teachers who provide instruction in physical education which shall ensure  
13 that all such teachers are adequately prepared and regularly participate in professional  
14 development activities to effectively deliver a physical education program under the  
15 supervision of certified physical education teachers. The State Board of Education shall  
16 prescribe a course of study in health and physical education for all grades and grade levels  
17 in the public schools and shall establish minimum time requirements and standards for its  
18 administration. The course of study for elementary school students shall require, at a  
19 minimum, 150 minutes of physical education instruction per week with a certified physical  
20 education teacher or a teacher under the supervision of a certified physical education  
21 teacher for students in kindergarten through grade five. For middle school students, each  
22 local board of education shall develop a proposed plan for delivering, at a minimum, 225  
23 minutes of physical education instruction per week with a certified physical education  
24 teacher or a teacher under the supervision of a certified physical education teacher to  
25 students in grades six through eight. Each local school system shall submit such a plan to  
26 the Department of Education no later than December 31, 2006. The Department of  
27 Education shall submit a summary of such plans to the General Assembly no later than  
28 January 15, 2007. The Department of Education shall review such plans and shall develop  
29 and establish a required program of physical education instruction for middle school  
30 students in accordance with this subsection which shall be implemented beginning in the  
31 2007-2008 school year. For the 2006-2007 school year, each local board of education is  
32 strongly encouraged to provide meaningful physical education instruction to students in  
33 grades six through eight. Every elementary school student shall be required to participate  
34 in physical education instruction, including students in alternative education programs;  
35 provided, however, that the course of study will be adapted for students with disabilities,

1 chronic health problems, and other special needs. The physical education course for  
2 elementary school students and the plans developed and submitted by each local board of  
3 education for middle school students shall provide for physical exertion of at least  
4 moderate to vigorous intensity and for a duration sufficient to provide a significant health  
5 benefit to students. The physical education course shall provide an environment in which  
6 students learn, practice, and receive assessment on developmentally appropriate motor  
7 skills, social skills, and health and physical education knowledge. The course shall include  
8 a coordinated health and physical education program designed to prevent obesity,  
9 cardiovascular disease, and Type II diabetes. ~~The course shall include instruction~~  
10 ~~concerning the impact of alcohol, tobacco, and drug use upon health.~~ A manual setting out  
11 the details and requirements of such courses of study shall be prepared or approved by the  
12 State School Superintendent in cooperation with the Department of Human Resources, the  
13 state board, and such expert advisers as they may choose. The Department of Education  
14 is directed to assemble or develop instructional resources and materials concerning ~~alcohol~~  
15 ~~and drug abuse~~ health and physical education instruction, taking into consideration  
16 technological enhancements available for utilization of such instructional resources."

#### 17 SECTION 4.

18 Said chapter is further amended in Part 15 of Article 6, relating to miscellaneous provisions  
19 relative to the "Quality Basic Education Act," by adding new Code sections to the end of  
20 such part to read as follows:

21 "20-2-324.

22 (a) By July 1, 2006, each local board of education shall adopt and implement a coordinated  
23 school health program, prepared in collaboration with the school health advisory council,  
24 to address health issues in the local school system. The coordinated school health program  
25 shall include the components provided for in the model coordinated school health program  
26 provided by the State Board of Education pursuant to subsection (b) of this Code section.

27 (b) The State Board of Education shall develop a model coordinated school health program  
28 designed to address health issues which shall include coordination of the following  
29 components:

- 30 (1) Safe and sanitary environment;
- 31 (2) Physical education;
- 32 (3) Health education;
- 33 (4) Staff wellness;
- 34 (5) Health services;
- 35 (6) Mental and social well-being;

1 (7) Nutrition; and

2 (8) Parental and family involvement.

3 The state board shall notify and make available such program to every local board of  
4 education and shall provide technical assistance to local boards of education in  
5 implementing coordinated school health programs.

6 (c) No later than July 1, 2008, and every year thereafter, each local board of education  
7 shall prepare and submit to the State Board of Education an annual report on the  
8 implementation of the coordinated school health program. Such report shall also include  
9 the amount of instructional time spent on health and physical education in each grade and  
10 the amount of physical activity received by students in each school for the previous school  
11 year. Such report shall be made available to the General Assembly and to the public upon  
12 request.

13 (d) The state board shall develop an annual report and recognition program which is  
14 submitted to the Governor, General Assembly, and local school systems beginning January  
15 1, 2007, and annually thereafter. Such report shall include the progress of local school  
16 systems in implementing the Student Health and Fitness Act, acknowledgment of programs  
17 of excellence, and recommended strategies and resources necessary to improve the health  
18 and well-being of Georgia's school-aged children and youth.

19 20-2-325.

20 The State Board of Education shall establish an office to promote student health and  
21 physical fitness, which shall be staffed by certified physical education personnel, subject  
22 to available state, federal, or private funding. In addition to any other duties and functions  
23 assigned by the State Board of Education, such office shall specifically be charged with  
24 implementing the provisions of the Student Health and Fitness Act. The office shall be  
25 designated and acknowledged publicly to allow for ease of parent and public contact and  
26 information sharing. Through this office, the State Board of Education will be responsible  
27 for:

28 (1) Providing a program of instruction that includes physical education academic content  
29 standards. Such standards shall include sequential, developmentally appropriate curricula  
30 that is designed, implemented, and evaluated to help students develop the knowledge,  
31 motor skills, self-management skills, attitudes, and confidence to adopt and maintain  
32 physical activity and healthy dietary behaviors throughout their lives;

33 (2) Ensuring that physical education content provided by local boards of education shall  
34 comply with the standards established by the State Board of Education; and

1 (3) Developing standards and methods for the assessment of individual student fitness  
2 overall school health on a regular basis, which shall occur at least biennially beginning  
3 in the 2007-2008 school year."

4 **SECTION 5.**

5 This Act shall become effective on July 1, 2006.

6 **SECTION 6.**

7 All laws and parts of laws in conflict with this Act are repealed.